

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

Kal Freight Inc., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-90614 (CML)

(Jointly Administered)

**AGENDA FOR HEARING SCHEDULED FOR  
MARCH 4, 2025 AT 1:00 P.M. (PREVAILING CENTRAL TIME)**

The above-referenced debtors and debtors in possession (collectively, the “Debtors”) file this Agenda for the hearing scheduled for March 4, 2025, at 1:00 p.m. (prevailing Central Time) (the “Hearing”) before the Honorable Christopher M. Lopez of the United States Bankruptcy Court for the Southern District of Texas:

**A. MATTERS GOING FORWARD AS A STATUS OR SCHEDULING CONFERENCE, OR ON A CONSENSUAL BASIS WITH THE SUPPORT OF THE COMMITTEE AND PRINCIPAL LENDERS**

1. *Debtors’ Emergency Motion For Entry of Interim and Final Authorizing Debtors to (I) Maintain and Continue to Operate Under Factoring and Security Agreement in Order to Sell Accounts Post-Petition to Triumph Pursuant to 11 U.S.C. Section 363(b), (c), (f), and (m); (II) Obtain Credit From Triumph Pursuant to 11 U.S.C. Sections 364(c)(1), (c)(2), and (d)(1); (III) Grant Adequate Protection in the Form of First Priority Liens and Security Interests on Property of Debtors Estates Pursuant to 11 U.S.C. Sections 361 and 363(e); (IV) Amend the Factoring and Security Agreement and Grant Triumph Business Capital Additional Liens; (V) Authorize the Debtors to Use Cash Collateral and Grant Triumph Adequate Protection; (VI) Annul and Modify the Automatic Stay; and (VII) Grant Related Relief all Retroactively to the Petition Date [Docket No. 7].*

**Response Deadline:** January 3, 2025 at 4:00 p.m. (CT). The response deadline was extended to January 6, 2025 for Flushing Bank, and through the date of any final hearing set by the Court for Chubb. The deadline for the Committee to respond has been extended by agreement between the Debtors, the Committee, and the applicable lenders.

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: KAL Freight Inc. (0249); KAL Aviation LLC (2600); KAL Partz Inc. (0139); KAL Trailers & Leasing Inc. (0840); and KVL Tires Inc. (0320). The location of the Debtors’ service address in these Chapter 11 cases is 10156 Live Oak Ave., Fontana, CA 92335.

**Responses Received:**

- a) Limited Objection and Reservation of Rights of Fifth Third Bank, N.A., Mitsubishi HC Capital Canada, Inc., and Truist Equipment Corp. to the Debtors' Financing Motions [Docket No. 290].
- b) Mode Transportation, LLC's Response, Objection and Reservation of Rights to the Adequate Protection Motions Filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 291].
- c) Omnibus Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to the Debtors' Financing Motions [Docket No. 292].
- d) Premier Trailers, LLC'S Response, Objection, and Reservation of Rights to the Adequate Protection Motions filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 346].
- e) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].
- f) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].

**Status:** The matter is going forward as a status or scheduling conference, or on a consensual basis with the support of the Committee and principal lenders.

2. *Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief* [Docket No. 8].

**Response Deadline:** January 3, 2025 at 4:00 p.m. (CT). The response deadline was extended to January 6, 2025 for Flushing Bank, and through the date of any final hearing set by the Court for Chubb. The deadline for the Committee to respond has been extended by agreement between the Debtors, the Committee, and the applicable lenders.

**Responses Received:**

- a) Daimler's Joinder to Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 96].
- b) Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions [Docket Nos. 265 & 266].

- c) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 288].
- d) PACCAR's Limited Objection to Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Banc Of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; Interim Order (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; and Interim Order (A) Providing Adequate Protection to Banc of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 289].
- e) Limited Objection and Reservation of Rights of Fifth Third Bank, N.A., Mitsubishi HC Capital Canada, Inc., and Truist Equipment Corp. to the Debtors' Financing Motions [Docket No. 290].
- f) Mode Transportation, LLC's Response, Objection and Reservation of Rights to the Adequate Protection Motions Filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 291].
- g) Omnibus Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to the Debtors' Financing Motions [Docket No. 292].
- h) Joinder of Simmons Bank to (A) Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions and (B) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 297].
- i) Flushing Bank's Limited Objection to Entry of Final Orders on Debtors' Emergency Motions for Orders (A) Providing Adequate Protection to TBK Bank, SSB, Daimler Truck Financial Services USA, Inc. and Banc of America Leasing & Capital, LLC (B) Modifying the Automatic Stay, (C) Scheduling Final Hearing and (D) Granting Related Relief [Docket No. 308].
- j) Premier Trailers, LLC'S Response, Objection, and Reservation of Rights to the Adequate Protection Motions filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 346].
- k) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].

**Status:** The matter is going forward as a status or scheduling conference, or on a consensual basis with the support of the Committee and principal lenders.

3. *Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Scheduling a Final Hearing* [Docket No. 19].

**Response Deadline:** January 3, 2025 at 4:00 p.m. (CT). The response deadline was extended to January 6, 2025 for Flushing Bank, and through the date of any final hearing set by the Court for Chubb. The deadline for the Committee to respond has been extended by agreement between the Debtors, the Committee, and the applicable lenders.

**Responses Received:**

- a) *Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions* [Docket Nos. 265 & 266]
- b) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 288].
- c) Limited Objection and Reservation of Rights of Fifth Third Bank, N.A., Mitsubishi HC Capital Canada, Inc., and Truist Equipment Corp. to the Debtors' Financing Motions [Docket No. 290].
- d) Mode Transportation, LLC's Response, Objection and Reservation of Rights to the Adequate Protection Motions Filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 291].
- e) Omnibus Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to the Debtors' Financing Motions [Docket No. 292].
- f) Joint Objection of the Texas Taxing Authorities to the Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Scheduling a Final Hearing [Docket No. 296].
- g) Joinder of Simmons Bank to (A) Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions and (B) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 297].
- h) FRIND-Aerotropolis, LLC's Limited Objection and Reservation of Rights to Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Scheduling a Final Hearing [Docket No. 301].

- i) Flushing Bank's Limited Objection to Entry of Final Orders on Debtors' Emergency Motions for Orders (A) Providing Adequate Protection to TBK Bank, SSB, Daimler Truck Financial Services USA, Inc. and Banc of America Leasing & Capital, LLC (B) Modifying the Automatic Stay, (C) Scheduling Final Hearing and (D) Granting Related Relief [Docket No. 308].
- j) Limited Objection and Reservation of Rights of Pioneer Properties and Ferreligne A. Wetzel, LLC to Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Scheduling a Final Hearing [Docket No. 323].
- k) Premier Trailers, LLC'S Response, Objection, and Reservation of Rights to the Adequate Protection Motions filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 346].
- l) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].

**Status:** The matter is going forward as a status or scheduling conference, or on a consensual basis with the support of the Committee and principal lenders.

4. *Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Banc of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief* [Docket No. 183].

**Response Deadline:** January 3, 2025 at 4:00 p.m. (CT). The response deadline was extended to January 6, 2025 for Flushing Bank. The deadline for the Committee to respond has been extended by agreement between the Debtors, the Committee, and the applicable lenders.

**Responses Received:**

- a) Limited Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to Debtors' Emergency Motion for Entry of Interim And Final Orders (A) Providing Adequate Protection To Banc Of America Leasing & Capital, LLC, (B) Modifying The Automatic Stay, (C) Scheduling A Final Hearing, And (D) Granting Related Relief [Docket No. 198].
- b) Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions [Docket Nos. 265 & 266].
- c) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 288].

- d) PACCAR's Limited Objection to Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Banc Of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; Interim Order (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief; and Interim Order (A) Providing Adequate Protection to Banc of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 289].
- e) Mode Transportation, LLC's Response, Objection and Reservation of Rights to the Adequate Protection Motions Filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 291].
- f) Omnibus Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to the Debtors' Financing Motions [Docket No. 292].
- g) Joinder of Simmons Bank to (A) Limited Objection of Wells Fargo Equipment Finance, Inc. and Wells Fargo Bank, N.A. to Emergency Adequate Protection Motions and (B) Limited Objection of Atlantic Union Equipment Finance, Inc. to (I) Emergency Cash Collateral Motion and (II) Adequate Protection Motions [Docket No. 297].
- h) Flushing Bank's Limited Objection to Entry of Final Orders on Debtors' Emergency Motions for Orders (A) Providing Adequate Protection to TBK Bank, SSB, Daimler Truck Financial Services USA, Inc. and Banc of America Leasing & Capital, LLC (B) Modifying the Automatic Stay, (C) Scheduling Final Hearing and (D) Granting Related Relief [Docket No. 308].
- i) Premier Trailers, LLC'S Response, Objection, and Reservation of Rights to the Adequate Protection Motions filed by the Debtors and Certain Creditors of the Debtors in These Chapter 11 Cases [Docket No. 346].
- j) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].

**Status:** The matter is going forward as a status or scheduling conference, or on a consensual basis with the support of the Committee and principal lenders.

## **B. MATTERS GOING FORWARD**

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5. *Emergency Motion Debtors' Emergency Motion for Entry of an Order (I) Granting Interim Approval of the Adequacy of Disclosures in the Combined Disclosure Statement and Plan; (II) Scheduling a Combined Confirmation Hearing and Setting Deadlines Related Thereto; (III) Approving Solicitation Packages and Procedures; (IV) Approving the Forms of Ballots; and (V) Granting Related Relief* [Docket No. 584].

**Response Deadline:** On or before the hearing of March 4, 2025 at 1:00 p.m. (CT).

**Responses Received:**

- (a) Objection of Mitsubishi HC Capital Canada Inc., Truist Equipment Finance Corp., and Fifth Third Bank, N.A. to the Combined Disclosure Statement and Plan of Liquidation of Kal Freight Inc. and its Affiliated Debtors Under Chapter 11 of the Bankruptcy Code [Docket No. 574].
- (b) Preliminary Objection of Vanguard National Trailer Corporation and CIMC reefer Trailer, Inc. to the Combined Disclosure Statement and Plan of Liquidation of Kal Freight Inc. and its Affiliated Debtors under Chapter 11 of the Bankruptcy Code [Docket No. 578].
- (c) New Hope Venture, LLC's Joinder to Preliminary Objection of Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc. to the Combined Disclosure Statement and Plan of Liquidation of Debtors Under Chapter 11 of the Bankruptcy Code [Docket No. 590].
- (d) Joinder of Triumph Commercial Finance, LLC and TBK Bank, SSB to Objections to the Combined Disclosure Statement and Plan of Liquidation of Kal Freight Inc. and Its Affiliated Debtors Under Chapter 11 of the Bankruptcy Code [Docket No. 591].
- (e) MODE Transportation, LLC's Objection to the Debtors' Combined Disclosure Statement and Plan of Liquidation of Kal Freight Inc. and its Affiliated Debtors under Chapter 11 of the Bankruptcy Code [Docket No. 603].

**Status:** The matter will go forward.

6. *Emergency Motion Debtors' Emergency Motion for Entry of an Order (I) Approving the Trip Settlement Agreement, (II) Authorizing the Debtors to Enter Into and Perform Under the Trip Settlement Agreement, and (III) Granting Related Relief* [Docket No. 560].

**Response Deadline:** On or before the hearing of March 4, 2025 at 1:00 p.m. (CT).

**Responses Received:** None as of the filing of this Agenda.

**Status:** The matter will go forward.

7. *Debtors' Motion for Entry of an Order (I) Authorizing (A) Rejection of Unexpired Lease; (B) Abandonment of Personal Property; and (II) Granting Related Relief* [Docket No. 324].

**Response Deadline:** January 29, 2025 at 4:00 p.m. (CT).

**Responses Received:**

- (a) Letter Objection of MelenCorp [Docket No. 544].
- (b) Reply in Support of Debtors' Motion for Entry of an Order (I) Authorizing (A) Rejection of Unexpired Lease; (B) Abandonment of Personal Property; and (II) Granting Related Relief [Docket No. 513].

**Status:** The matter will go forward as set forth in the Debtors' Reply at Docket No. 513.

8. *Debtors' Application for Entry of An Order Authorizing the Employment and Retention of Keen-Summit Capital Partners, LLC as Real Estate Advisor and Broker for the Debtors, Effective as of the Petition Date* [Docket No. 309].

**Response Deadline:** January 27, 2025 at 4:00 p.m. (CT).

**Responses Received:**

- (c) Objection Triumph Commercial Finance, LLC and TBK Bank, SSB's Limited Objection to Debtors' Application for Entry of an Order Authorizing the Employment and Retention of Keen-Summit Capital Partners LLC as Real Estate Advisor and Broker for the Debtors, Effective as of the Petition Date [Docket No. 404].
- (d) New Hope Venture, LLC's Limited Objection to Debtors' Application for Entry of An Order Authorizing the Employment and Retention of Keen-Summit Capital Partners, LLC as Real Estate Advisor and Broker for the Debtors, Effective as of the Petition Date [Docket No. 546].
- (e) Omnibus Objection of the Official Committee of Unsecured Creditors to Motions Scheduled for March 4, 2025 Hearing and *Emergency* Cross-Motion for Order Converting Cases to Chapter 7 [Docket No. 582].

**Status:** The matter will go forward.

**C. RELATED DOCUMENTS**

1. [Signed] Interim Order (A) Authorizing the Use of Cash Collateral, (B) Providing Adequate Protection, (C) Modifying the Automatic Stay, and (D) Scheduling a Final Hearing [Docket No. 51].
2. [Signed] Interim Order (A) Providing Adequate Protection to Daimler Truck Financial Services USA Inc, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 52].

3. [Signed] Interim Order Authorizing Debtors to (I) Maintain and Continue to Operate Under Factoring and Security Agreement in Order to Sell Accounts Post-Petition to Triumph Pursuant to 11 U.S.C. Section 363(b), (c), (f), and (m); (II) Obtain Credit From Triumph Pursuant to 11 U.S.C. Sections 364(c)(1), (c)(2), and (d)(1); (III) Grant Adequate Protection in the Form of First Priority Liens and Security Interests on Property of Debtors Estates Pursuant to 11 U.S.C. Sections 361 and 363(e); (IV) Amend the Factoring and Security Agreement and Grant Triumph Business Capital Additional Liens; (V) Authorize the Debtors to Use Cash Collateral and Grant Triumph Adequate Protection; (VI) Annul and Modify the Automatic Stay; and (VII) Grant Related Relief all Retroactively to the Petition Date [Docket No. 61].
4. Notice of Non-Opposition of Grant Thornton Limited, Solely as Foreign Representative, Trustee and Receiver of The Big Rig Trailers, Etc., To Debtors Emergency Motions (A) Ratifying the Appointment of Independent Directors; and Authorizing the Payment of Director Fees and (B) For Entry of an Order Establishing Procedures For De Minimis Parts and Tires Asset Transactions. [Docket No. 87].
5. [Signed] Interim Order (A) Providing Adequate Protection to Banc of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 219].
6. [Signed] Notice of (1) Entry of Interim Order, and (2) Final Hearing Regarding: Debtors' Emergency Motion for Entry of Interim and Final Orders (A) Providing Adequate Protection to Banc of America Leasing & Capital, LLC, (B) Modifying the Automatic Stay, (C) Scheduling a Final Hearing, and (D) Granting Related Relief [Docket No. 223].
7. Emergency Motion to Approve Stipulation and Order Extending Interim Debtor in Possession Factoring Order and Interim Cash Collateral Order for One Week [Docket No. 564].
8. Combined Disclosure Statement and Plan of Liquidation of Kal Freight Inc. and its Affiliated Debtors under Chapter 11 of the Bankruptcy Code [Docket No. 515].
9. Debtors' Notice of Status Conference and Hearing [Docket No. 556].
10. Triumph Commercial Finance LLC and TBK Bank, SSB's Notice of Intent to Adduce Testimony from a Remote Location by Telephone and Video Technology [Docket No. 566].
11. Debtors' Notice of Intent to Adduce Testimony from a Remote Location by Telephone and Video Technology [Docket No. 568].
12. The Official Committee of Unsecured Creditors' Notice of Intent to Adduce Testimony from a Remote Location by Telephone and Video Technology [Docket No. 575].
13. Official Committee of Unsecured Creditors' Exhibit & Witness List [Docket No. 596].

14. Triumph Commercial Finance LLC and TBK Bank, SSB's Exhibit & Witness List [Docket No. 596].
15. Debtors' Witness & Exhibit List [Docket No. 598].
16. Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc.'s Witness List [Docket No. 599].
17. Vanguard National Trailer Corporation and CIMC Reefer Trailer, Inc.'s Notice of Intent to Adduce Testimony from a Remote Location by Telephone and Video Technology [Docket No. 602].
18. MODE Transportation, LLC's Witness List [Docket No. 604].
19. U.S. Trustee's Exhibit & Witness List [Docket No. 607].

Dated: February 28, 2025

**PACHULSKI STANG ZIEHL & JONES LLP**

*/s/ Teddy M. Kapur*

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**Certificate of Service**

I certify that on February 28, 2025, I caused a copy of the foregoing document to be served via the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

*/s/ Teddy M. Kapur*

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Teddy M. Kapur